

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

<b>UNITED STATES OF AMERICA</b>	§	
	§	
<b>V.</b>	§	<b>SA-22-CR-579-XR</b>
	§	
<b>MOISES JAEKOB VARGAS</b>	§	

**DEFENDANT’S MOTION FOR TEMPORARY  
RELEASE FROM CUSTODY**

**TO THE HONORABLE UNITED STATES DISTRICT JUDGE, XAVIER RODRIGUEZ:**

NOW COMES Defendant, Moises Jaekob Vargas by his attorney, Stephen H. Gordon, and respectfully moves this Honorable Court to issue an Order temporarily releasing Defendant from custody for the purpose of attending his sister’s funeral.

**I**

The Defendant is currently being held at the Webb County Detention Facility. Defendant’s sister, Tracy Vargas, passed away on December 19, 2022. Her viewing is set for Thursday, January 12, 2023, between 1 and 5 p.m., and will be held at Roy Akres Funeral Home, 515 N Main Ave San Antonio, TX 78288, (210) 226-7201 (Exhibit 1). Defendant is seeking temporary release to attend his sister’s viewing on the 12<sup>th</sup> and/or funeral services the following day.

Unfortunately, Defendant’s mother Adriana Gamez, has not yet been able to obtain a copy of Tracy’s death certificate because the coroner’s office has indicated that there may be “foul play” involved in her death. Ms. Gamez has received correspondence from the funeral home indicating that they are ready to pick up Tracy’s body (Exhibit 2), but that Ms. Gamez will have to fill out an “Authorization to Release Remains” form first. (Exhibit 3).

II.

Defense Counsel has consulted with Assistant U.S. Attorney Tracy Thompson on this matter and she has stated that she is NOT opposed to this Motion.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully request this Honorable Court to order him released to attend his sister's funeral.

Respectfully submitted.

THE GORDON LAW FIRM, P.C.

/s/ \_\_\_\_\_  
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*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I certify that on January 6, 2023, a true and correct copy of the foregoing pleading was electronically filed with the Clerk of the Court using the CM/ECF System, which will transmit notification of such filing to the following CM/ECF participant: Assistant U.S. Attorney Tracy Thompson.

/s/ \_\_\_\_\_/  
STEPHEN H. GORDON  
Attorney for Defendant

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**ORDER FOR TEMPORARY RELEASE FROM CUSTODY**

On this date came on to be considered by the Court Defendant's Motion for Temporary Release from Custody.

The Court, after considering same, is of the opinion that such Motion is well taken and should be GRANTED.

IT IS THEREFORE ORDERED that the Defendant shall be temporarily released from the Webb County Correctional facility under the supervision of the United States' Marshall's Office under the following terms and conditions:

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The United States Marshall's office is hereby instructed to take all reasonable and necessary steps to comply with this order to ensure that the Defendant will be able to attend the viewing and/or funeral services for his sister, Tracy Vargas (viewing currently scheduled for January 12, 2023 at 1-5 p.m., and funeral services on January 13, 2023). The clerk of court shall send a copy of this to Order to the United States Attorney, the attorney for the Defendant, and the Pretrial Services officer.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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United States District Judge Xavier Rodriguez